

Appl. No. 10/748,735  
Amendment dated December 5, 2008  
Reply to September 5, 2008 Office Action

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Remarks/Arguments

The restriction requirement, as set forth in the Office action mailed on 10/04/07, has been reconsidered and has been withdrawn. Thus, claims 1-17 are pending and of these claims 1, 3-4, 11-12, 15, and 17 stand rejected under §102(e), claims 2, 5, 13-14, and 16 are objected to but deemed to recite allowable subject matter, and claims 7-10 are allowed.

Claim 1 has been amended. Claims 2-6, 8, and 16-17 have been amended to resolve some informalities. New claims 18-19 have been added. No new matter has been added by any amendments or new claims.

In view of the comments below, Applicant respectfully requests that the Examiner reconsider the present application including claims 1-6 and 11-17 and withdraw the rejection of these claims.

a) Claims 1, 3-4, 6, 11-12, 15, and 17 stand rejected under 35 U.S.C. 102(e) as being anticipated by Plymale, Sr. et al (US Pub. No. 2004/0080441).

Claims 1 and 11 are independent claims with claims 3-4 and 6 dependent on claim 1 and claims 12, 15, and 17 dependent on claim 11.

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Claims 1 and 11 are directed to a system and method which are configured for power management. The claim 1 system includes a power management controller that is configured to control power consumption based on various control parameters and minimal signal requirements for an analog signal all as claimed. Claim 11 controls a supply bias for a DAC based on various parameters, thus managing power to a system all as claimed.

Plymale, Sr. et al is concerned with biasing a DAC to increase dynamic range or alternatively to increase linearity (decrease distortion) by insuring that the DAC works in the "sweet spot" as much as possible (see, e.g., abstract, FIG. 2 relative to FIG.5, etc.). Plymale, Sr. et al has nothing to do with power management or power consumption or control thereof as in claim 1 or 11. Plymale, Sr. et al has nothing to do with controlling supply bias to a DAC based upon multiple access protocol (MA) or noise requirements. It may be fair to construe Plymale, Sr. et al as related to IM requirements or at least lowering IM (IMD is one form of distortion) for a given situation; however that is not sufficient to anticipate claim 11.

Thus, "a power management controller within the DSP configured to control power consumption of the portable communications device and ..." as recited by claim 1 is not shown or suggested by Plymale, Sr. et al. Further, "controlling a supply bias used by the DAC based upon the MA, noise requirements and intermodulation requirements of the portable communications system" as recited by claim 11 is not shown or suggested by Plymale, Sr. et al.

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Hence, this reference does not support a 102(e) rejection of claims 1, 11, or, at least by virtue of dependency, claims dependent on either. Therefore, Applicant respectfully requests that the Examiner reconsider and withdraw the rejection of claims 1, 3-4, 6, 11-12, 15, and 17 under 35 U.S.C. 102(e) as being anticipated by Plymale, Sr. et al (US Pub. No. 2004/0080441).

b) Claims 2, 5, 13-14 and 16 are objected to as being dependent upon a rejected base claim but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 2, 5, and 16 depend from claim 1. Claims 13-14 depend from claim 11.

Applicant is appreciative of and concurs with the Examiner's view that these claims recite allowable subject matter. However in view of the above comments, it is clear that claim 1 and claim 11 are each allowable over the references of record and thus Applicant respectfully submits that this objection has been traversed and hence requests that it be withdrawn.

c) New claims 18 and 19 depend from claim 1 and recite features that are analogous to claims 9-10 and, thus are allowable over all references of record.

d) Claims 7-10 are allowed.

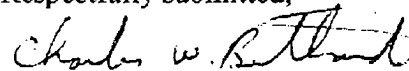
Applicant agrees that these claims are allowable over all references of record.

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Accordingly, Applicant respectfully submits that the claims, as amended, clearly and patentably distinguish over the cited references of record and as such are to be deemed allowable. Such allowance is hereby earnestly and respectfully solicited at an early date. If the Examiner has any suggestions or comments or questions, calls are welcomed at the phone number below.

Although it is not anticipated that any fees are due or payable since the new claims do not exceed the number of claims already paid for and thus Amendment is being timely filed within the allowed time frame, the Commissioner is hereby authorized to charge any fees or additional fees that may be required or credit any overpayments to Deposit Account No. 50-3435.

Respectfully submitted,



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